



Dental Hygiene Committee of California

2005 Evergreen Street, Suite 1050, Sacramento, California 95815
P 916.263.1978 F 916.263.2688 | www.dhcc.ca.gov

ENFORCEMENT SUBCOMMITTEE MEETING MINUTES

**Evergreen Hearing Room
2005 Evergreen Street, 1st Floor
Sacramento, CA 95815
Monday, December 12, 2011**

ENF 1 – Roll Call

The Enforcement Subcommittee Chair called the meeting to order with roll call at 9:37 a.m. With three subcommittee members present, a quorum was established.

Subcommittee members present: Alex Calero, Chair, Miriam DeLaRoi, RDHAP, and Cathy Di Francesco, RDH.

Staff present: Lori Hubble, Executive Officer, Anthony Lum, Administration Analyst, Tom Jurach, Staff Analyst, Shirley Moody, Enforcement Analyst – Retired Annuitant.

Department of Consumer Affairs' (DCA) legal representatives present: Norine Marks and Claire Yazigi.

ENF 2 – Public Comment

There was no public comment.

ENF 3 – Chairperson's Report

Mr. Calero stated that he did not have a report to present for the meeting.

ENF 4 – Approval of December 5, 2010 Minutes

- Ms. DeLaRoi moved to approve the December 5, 2010 subcommittee meeting minutes. Ms. Di Francesco seconded the motion.

Mr. Calero asked if there was any public comment on the approval of the minutes. There was no public comment.

Mr. Calero called for the vote to approve the December 5, 2010 meeting minutes. The motion passed unanimously (3-0).

ENF 5 – Complaint Form Update

Mr. Calero indicated that there were documents in the meeting packet for the members to review and asked Ms. Moody to present the agenda item. She reported that she was notified by DCA Legal Counsel that there should be a statement included on the complaint form to indicate that at some point in the complaint process, an anonymous complainant may not remain anonymous and would need to be revealed.

Mr. Calero stated that staff prepared a document titled, Complaint and Disciplinary Process, which was created to provide information to the public or licensees about the complaint, investigation, and formal disciplinary processes. He reported that his changes were non-substitutive in nature to include headings within the document and will submit the recommended changes to staff. He continued that the document would be presented at the next Enforcement Subcommittee meeting for the member's review and public comment.

Mr. Calero inquired as to whether the sample complaint form that is in the meeting packet is utilized throughout DCA. Ms. Moody indicated that the complaint form is utilized throughout DCA.

Mr. Calero asked the members for any comments. Ms. DeLaRoi inquired for clarity that the additional statement added to the complaint form addressed a complainant's anonymous status. Ms. Moody explained that at some point during an investigation in order for it to progress, the anonymity of the complainant would be removed. She continued that the removal of anonymity is always a possibility during an investigation, so anonymity cannot be guaranteed for a complainant. She added that this issue is one of the first topics an investigator should discuss with a complainant who requests anonymity while investigating a case if they wish to pursue the complaint. Ms. Marks stated that the anonymity of the complainant may be revealed if there was a request under court order or subpoena of the document independent of the Committee's investigation. Ms. Moody emphasized the importance for an investigator to disclose the possibility of the anonymity being removed for complainants that request to be anonymous at the beginning of the investigation and believed that putting the information in the complaint form would be beneficial.

Mr. Calero asked for any public comment on the complaint form. There was no public comment.

ENF 6 – Enforcement Statistics

Ms. Moody reported that there are currently 11 open investigations consisting of two field investigations involving drugs and alcohol and the other nine are records requests stemming from the fingerprint clearances that indicate arrests involving drugs and alcohol. She continued that there are currently nine probationers which consist of four active probationers and five that are tolling.

Mr. Calero asked for any comments from the members and the public. There was no comment from members or the public.

ENF 7 – Department of Consumer Affairs Performance Measures

Ms. Moody explained that DCA requires the Committee to maintain and report on a monthly basis the enforcement statistics where they are tracked and must report quarterly performance measures. She stated that the performance measures detail the steps the Committee will complete to improve its enforcement efforts, what is needed to progress the efforts, and their current status to implement the efforts within the measures. She stated that there is a copy of the memorandum submitted to DCA addressing the issue and the actual performance measures for the subcommittee's review. She reported that there were three measures included in the packet and indicated that in July 2009, the numbers were poor in the initial stages of the program due to a variety of issues. She stated that the subsequent performance measures submitted in October 2010 through December 2010 showed a substantial improvement indicating that the prior average

number of days for formal discipline was over 1,000 days, but was reduced down to 143 once the Committee was in control of the process. She indicated that the most recent performance measures, dated July 2011 to September 2011, show that the Committee's enforcement numbers are well within the range of DCA goals.

Mr. Calero asked for any comments from the members and the public. There was no comment from the members or the public.

ENF 8 – Adjournment

Time: 9:55 a.m.